

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JASON TINSLEY,

Petitioner,

v.

R.K. WOODS, Superintendent, Upstate

Correctional Facility,

Respondent.
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MEMORANDUM DECISION

7:08-cv-1332 (VB)

Briccetti, J.:

Now pending before the Court is the Report and Recommendation by Magistrate Judge Paul E. Davison dated June 16, 2011 on petitioner Jason Tinsley's petition for a writ of habeas corpus. In his Report and Recommendation, Judge Davison recommended that the Court deny the petition.

A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the recommended ruling, but they must be "specific" and "written," and submitted "[w]ithin 10 days after being served with a copy of the recommended disposition." Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record. See Wilds v. UPS, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003); Fed. R. Civ. P. 72 advisory committee's note (b).

Judge Davison's Report and Recommendation was filed on June 16, 2011. To date, no objection has been received from any party to this action. Reviewing the Report and

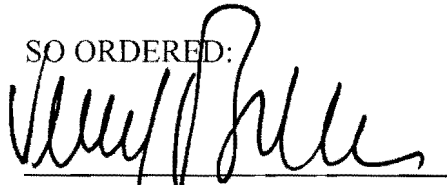
Recommendation, the Court sees no clear error in Judge Davison's findings of fact or his legal conclusions. More so, the Court believes the Report and Recommendation is correct as a matter of law. Accordingly, it is adopted as the decision of the Court.

The petition for a writ of habeas corpus (Doc. #1) is DENIED.

The Clerk is instructed to close this case.

Dated: July 26, 2011
White Plains, New York

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge